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C O N F I D E N T I A L SECTION 01 OF 04 KUWAIT 000239

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TAGS: [PGOV](#) [PHUM](#) [ELAB](#) [ID](#) [KU](#) [TIP](#)
SUBJECT: PROGRESS FOR DOMESTIC WORKERS SLOWED BY BUREACRACY

REF: A. 06 KUWAIT 4649
[1](#)B. 06 KUWAIT 4351
[1](#)C. 06 KUWAIT 3993
[1](#)D. 06 KUWAIT 2147

Classified By: CDA Matthew Tueller for reasons 1.4 (b) and (d).

[1](#)1. (C/NF) Summary: GOK attempts to address the abuse of domestic workers through a mandatory contract have so far fallen short, with the contracts proving difficult or impossible to enforce. GOK enforcement officials acknowledge unscrupulous practices at domestic recruitment offices, but express frustration that they lack the legal tools, resources, and high-level attention to make an impact. One key enforcement official claimed that bureaucracy rather than opposition to change explains the lack of progress even on issues that enjoy broad GOK support such as a shelter for abused workers. Source country embassies lauded recent GOK efforts to break up prostitution dens that employ primarily former domestic workers, but said that the criminals and victims were being deported rather than dealt with by the legal system. A Kuwaiti MOI official at a conference on violence against women called for improvements in the way police and medical workers deal with prostitutes and female victims of physical abuse. End Summary.

[1](#)2. (SBU) The GOK has made progress in recognizing the special nature of the problems faced by domestic workers here, and has taken some steps over the past year to address them. Significant recent actions include initiating an awareness campaign and implementing a standardized contract for all domestic laborers that forbids employers from passing administrative and recruitment fees on to workers and lays out minimum standards for pay, rest, and other conditions of work. However, recent discussions with GOK officials and key contacts indicate little impact on the ground to date. Bureaucracy rather than hardened opposition appears to be the main obstacle to progress.

Kuwaiti Embassy in Indonesia not Enforcing Contract

[1](#)3. (C/NF) Late in 2006, the Kuwaiti MFA instructed its embassies abroad to interview every domestic work visa applicant to verify that the worker had signed a new Kuwaiti Government-approved standard contract and that the worker had not paid unlawful fees in order to secure a job in Kuwait (ref C). The interviews were part of the Government's attempt to enforce the standardized domestic workers contract that went into effect October 1, 2006. However, there is

little evidence to date indicating the new policy is having an effect on the ground.

14. (C/NF) Kuwaiti Ambassador to Indonesia Muhammad Khalaf told PolOff recently that his Embassy had stopped interviewing Indonesian applicants for domestic worker visas because these interviews were not serving their intended purpose. When the interview policy went into effect, some 250 to 300 applicants began converging on the Kuwaiti embassy in Jakarta every day, but Khalaf said his staff was only able to process about 40 daily. The Kuwaiti MFA offered to rent a separate building in Jakarta for the onslaught of new consular work and to send another consular officer. Khalaf rejected the offer because he said that the domestic worker recruiters (both Indonesian and Kuwaiti) quickly figured out what the Kuwaiti embassy was looking for and began coaching their clients. Khalaf concluded that the extra work involved was not solving any problems and effective enforcement had to come in Kuwait. He informed the MFA that he would not continue the interviews. He told PolOff that he had met with MFA and Ministry of Interior (MOI) officials recently to discuss what he viewed as their failure to anticipate the problems facing implementation of the new contract. Officials from the Filipino Overseas Workers Administration told PolOff that as far as they knew the interviews continued to take place in the Philippines.

Interior Ministry Official Sees Need for Changes

15. (C/NF) In a February 4 meeting, the senior Kuwaiti MOI official responsible for domestic worker affairs, Assistant Undersecretary for Passport and Citizenship Affairs Shaykh

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Ahmad Al-Nawwaf Al-Sabah, told PolCouns and PolOff that he was aware of the difficulties faced by Kuwait embassies abroad and that the MFA was working on solutions. He said it has become apparent to him in his short time in office that many of the procedures and laws in Kuwait regarding domestic workers were in need of change. He was aware that a government-administered shelter has been proposed and expressed support for it. Shaykh Ahmad asked PolOff to meet with the head of the MOI's Domestic Workers Administration (DWA), whom he said would cooperate fully in providing information on the shelter and enforcement of the domestic contract.

Domestic Worker Administration Head Tells All

16. (C/NF) On February 6 PolOff visited the DWA, where its Director, Colonel Adeeb Sweidan, said he would speak more frankly than in past meetings at Shaykh Ahmad's direction. Four months since the imposition of the contract, Sweidan said that the DWA has taken no enforcement measures and doubted they would do so any time soon. This contrasts with a November meeting in which Sweidan said the DWA would blacklist and/or impose administrative punishments on employers who broke the terms of the new contract.

17. (C/NF) Sweidan said the Kuwaiti law governing licensing of domestic labor agencies contains sufficient legal protections to ensure the rights of the workers and their employers, but that his office lacked the resources to enforce it, and the domestic labor agencies operate unchecked. He described what he said was their scheme for exploiting a loophole in Kuwaiti law to profit from domestic workers. The law stipulates that agencies provide a six-month money-back guarantee on domestic workers if the employer is bringing a worker from his or her own country to Kuwait. If the agency provides a worker who is already in Kuwait but has for some reason left the employer who originally sponsored her, the agency need not provide a guarantee. So agencies hire out workers who are already in Kuwait and whom they know are likely to be returned (Sweidan

said sometimes the agency knows the worker is inept, unpleasant, or disgruntled, and sometimes they actually instruct her to sabotage her work). When the employer returns the worker to the agency and asks for the fee back, the agency refuses to take the worker back. The employer then has to choose between firing the worker and losing the entire fee or returning the worker for only a partial refund.

Employers inevitably choose the latter and the agency earns a profit, which according to Sweidan and other sources, ranges from 50 - 200 Dinars (USD 175 - 700). The problem with this arrangement, according to Sweidan and the source-country embassies, is that workers face more problems when they are shuttled around to many different households. Sweidan's description of this scam corroborates other accounts (ref B), though the extent of the problem is not known.

18. (C/NF) PolOff noted that the GOK claimed to have shut down several hundred domestic labor agencies for various violations. Sweidan responded that none had been shut down for shady practices; rather, they had all been shut down on technicalities such as not renewing or using their licenses. He said he had found another technicality that would enable him to shut down agencies and that he would be forming a team to pursue this avenue. However, he emphasized that he has not and could not shut down agencies for the kinds of dealings described above. The head of the Kuwait Union for Domestic Labor Offices, Abdul Aziz Al-Ali, defended his industry, telling PolOff that the problem was the Domestic Workers Administration, which did not pursue workers' claims sufficiently.

Bureaucracy Slows Progress on Domestic Worker Issues

19. (C/NF) Sweidan said he had a great deal of confidence in Assistant Undersecretary Shaykh Ahmad Nawwaf's leadership but that he was distracted by other issues (especially the Bidoon, which is the highest profile human rights issue in Kuwait) and suffers from an ineffective staff. Sweidan also complained that the MOI's Department of Immigration, which is one of a number of departments under Shaykh Ahmad's purview

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and which directly oversees the DWA, pays little or no attention to the issue of domestic workers. Sweidan concluded that the problem was not opposition to making necessary changes but simply bureaucratic inertia and a lack of high-level attention. He recognized the significant effort of the USG to bring about change, but recommended that it push harder, especially in private meetings with MOI officials.

Shelter Not Imminent

110. (C/NF) Colonel Sweidan said he was an enthusiastic supporter of a Government-supervised shelter for domestic workers. He said it originally encountered resistance due to budget concerns, but the Kuwait Union of Domestic Labor Offices then offered to fund it and the MOI even approved two houses they had prepared to be used as the shelter. Then a legal dispute arose between two factions of KUDLO in 2004 and matters slowed down. Sweidan said that as far as he knew there had been no progress on the shelter but that the idea enjoyed support throughout the upper and lower ranks of the relevant GOK government ministries (MOI and the Ministry of Social Affairs and Labor).

Prostitution Rings

111. (C/NF) Over the past several months local newspapers have reported on dozens of raids on brothels where runaway housemaids work as prostitutes. The Embassy gathered together the labor attaches from most of the major

labor-sending-country embassies -- Bangladesh, Pakistan, Sri Lanka, the Philippines, Indonesia, and Egypt -- on February 7 to exchange views on these raids and other issues related to foreign workers. They acknowledged that the new domestic labor contract was a positive step but said it was too early to judge its effect. They praised the campaign of brothel busts. They complained, however, that the GOK was deporting those involved -- both the alleged facilitators and willing or unwilling prostitutes -- before cases could be filed. This is typical of Kuwait's approach to foreigners who get in legal trouble. Unless it is a serious physical crime, the Government prefers to come to an out-of-court settlement in minor cases like non-payment of salary or to deport accused criminals rather than prosecute and jail them. The head of the Criminal Investigation Department, General Abdul Hameed Al-Awadhi, observed in a December 5 meeting on the subject of prostitution that this was a form of mercy by the GOK, since deportation was better than prosecution and jail for the women. The Bangladeshi labor attache, whose countrymen are accused of running the rings, said that Bangladeshis are merely custodians or guards at the houses. He sees the accusations and subsequent deportations as a way of shielding the Kuwaiti owners of the houses (Note: non-Kuwaitis are not allowed to own property in Kuwait).

¶12. (U) The GOK held a conference from February 10 - 12 on "Violence Against Women." EmbOff attended one of the sessions on February 11, at which Adel Ibrahim, Director of Felony and Police Research at the MOI, pointed to weaknesses in Kuwait's system of dealing with rape and prostitution. He confirmed the complaint of many source country embassies that the staff at hospitals and police stations often treat such cases inappropriately and that social workers should be assigned to these places. He called for the quick establishment of a shelter like the one in Bahrain or Qatar. Finally, he noted that many of the prostitutes are runaway domestic workers. A woman in the audience stood up and told of a domestic worker she hired who was crying constantly and saying she wanted to go home. The woman brought her back to the agency, which convinced the woman it had resolved the problem. Soon after, the worker ran away from the house. Two months later, the woman received a call from the DWA asking her to provide funds for a ticket home for the worker, who had been rounded up in a prostitution "den." Ibrahim said the transfer of maids, many of whom were advertised for "sale" in classified newspapers, was a serious problem and that the practice should be banned.

GOK Will Detail Its Efforts to Protect Domestic Workers

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¶13. (SBU) Post has requested further information from the GOK on these issues. The MFA informed Post that the committee charged with responding to international human rights reports was preparing information and would provide it to post as soon as possible.

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